



## PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 60-6	Subject: <b>DUI OFFENDER AND OFFENDER WITH RESTRICTED DRIVING PRIVILEGES / AUTHORIZATION TO DRIVE</b>	
Reference: 2-15-112, MCA; 46-18-201(6), MCA; 46-23-1004, MCA; 46-23-1011, MCA; 46-23-1021, MCA; 53-1-201 and 203, MCA; 61-1-101, MCA; 61-8-102, MCA; 61-8-391, MCA; 61-8-442, MCA; 61-8-731, MCA; 61-8-732, MCA	Page 1 of 4	
Effective Date: 03/06/04	Revision Dates: 10/27/06; 10/06/08; 08/19/14	
Signature / Title: /s/ Ron Alsbury, Probation & Parole Bureau Chief		

### I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees will enforce the provisions of Montana statutes regarding driving restrictions for Felony DUI Offenders being supervised by the Department of Corrections. This procedure includes judgments on DUI offenses committed prior to July 1, 2001, and other offenses wherein the Probation & Parole Officer authorizes and/or makes recommendations on driving privileges. Offenders may be granted permission to operate a motor vehicle only after significant advances in rehabilitation and recovery have been demonstrated.

### II. DEFINITIONS:

ACT-Assessment, Course, and Treatment Program – Required by Montana statute and provided by the Montana Department of Transportation after each of a person's first three DUI convictions.

Department – The Montana Department of Corrections.

DUI – Driving under the influence of alcohol or drugs.

### III. PROCEDURES:

- A. Montana law grants Probation & Parole (P&P) Officers the authority to permit felony DUI offenders, and other offenders restricted by a court judgment, to operate a motor vehicle.
- B. Statutes require all felony DUI offenders allowed to drive to equip their vehicle(s) with an alcohol-specific ignition interlock system, which shall be paid for by the offender. This system may be required for other offenses by court order.
- C. A P&P Officer, with the authorization of the P&P Bureau Chief (Bureau Chief), may grant conditional or limited permission to drive a motor vehicle depending on the risks posed by an individual offender and on the offender's needs as articulated in section F.6. below. For example, driving may be limited to going to and from work, doctor's appointments and other necessary errands only. Additional conditions or limitations may be imposed as circumstances warrant. All conditions and limitations must be in writing and given to the offender, with a copy for the offender's field file.

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- D. A P&P Officer, without the authorization of the Bureau Chief, may grant an offender permission to drive the following without a driver's license:
1. A bicycle, as defined by §61-8-102(2)(b), MCA;
  2. A golf cart, only if it is operated and equipped for use on the highways as prescribed in §61-8-391, MCA, or is operated by a person with a low-speed restricted driver's license;
  3. Work-related vehicles that are only on the public roads and highways of the state when transiting directly across, for example, as required in the transportation of natural resource products, including agricultural products and livestock.
    - a. All work-related vehicles designed to transport persons or property upon the highways of the state and operated by a felony DUI offender are required to be equipped with an alcohol-specific ignition interlock system.
    - b. Work-related vehicles not designed to be driven on the highways (i.e., swathers, combines, pit trucks) are not required to be equipped with an alcohol-specific ignition interlock system.
- E. Driving privileges may be withdrawn at any time if the offender's circumstances change or he/she violates conditions of supervision or fails to follow established driving criteria.
- F. Eligibility criteria to obtain driving privileges:
1. Offender has successfully completed the ACT Program;
  2. Offender has had no drug/alcohol violations for at least two (2) years while under the supervision of the P&P Bureau;
  3. Offender has demonstrated sobriety and continued investment into his/her treatment program;
  4. Offender is eligible to receive a driver's license from Montana Department of Justice, Motor Vehicle Division;
  5. Offender is in compliance with all court-ordered conditions;
  6. Offender can identify and justify the need to have his/her license restored; and
  7. Offender has the financial ability to pay for the expenses associated with an alcohol-specific interlock device.

### G. PROCEDURE:

## RESPONSIBILITY:

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| 1. Offender makes a request to P&P Officer (Officer) to have his/her driver's license reinstated. Offender must substantiate the necessity to have the license and demonstrate that all criteria have been met for this request to be considered. | Offender    |
| 2. Officer establishes that the requirements have been met and that there is justifiable reason for reinstatement of license.   | P&P Officer |

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| 3. Officer staffs the case with his/her immediate supervisor and Regional Administrator (RA).   | P&P Officer                        |
| 4. RA will staff cases that warrant review with the Bureau Chief for final approval/denial. Bureau Chief will issue approval in writing. Upon approval, Bureau Chief's Administrative Assistant will make chronological entry regarding approval.   | RA/Bureau Chief                    |
| 5. If offender is approved for driving privileges, a legal driver's license will be obtain through the Montana Department of Motor Vehicles (may be a work permit only) and shown to Officer:   | Offender                           |
| a. Liability insurance will be obtained, and proof of coverage (SR22 form if high-risk coverage) sent to the Officer by the insurance company. Offender shall provide documentation on a monthly basis that liability insurance remains in effect. Further, the offender shall provide documentation using <i>P&amp;P 60-6(A) Insurance Notification</i> that their insurance representative has been given authorization to inform the Officer if the liability insurance is terminated for any reason. Copy of signed <i>Notification</i> is placed in offender's field file. |                                    |
| b. Offender will have the alcohol specific interlock device placed on all vehicles in which the offender will operate. This will include employers' vehicles the offender has access to use in the course of his/her employment.  |                                    |
| c. Offender cannot drive any vehicle under any circumstance that has not been specifically approved by the Officer. If authorized to drive a vehicle for work purposes only, a work schedule will be provided to the Officer as far in advance as possible, and offender shall not drive to work without prior authorization from the Officer.  |                                    |
| 6. Officer ensures that a legal license has been obtained; liability insurance has been obtained by receipt of proof of coverage (an SR22 form if high-risk) from insurance company; and the alcohol-specific interlock is in place on all vehicles in which the offender will operate.   | P&P Officer                        |
| 7. Driving privileges may be revoked any time by the Officer for offender's failure to maintain the established criteria. Officer will notify Bureau Chief of revocation in writing, noting circumstances for revocation and whether other consequences resulted (i.e., intervention hearing).  | P&P Officer                        |
| 8. Cases for offenders who had been approved to drive prior to the implementation date of this procedure, will be staffed with the RA and Bureau Chief. Bureau Chief will issue approval in writing.  | P&P Officer/RA<br>P&P Bureau Chief |

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#### **IV. CLOSING:**

Questions concerning this procedure shall be directed to the RA or designee.

#### **V. FORMS:**

P&P 60-6 (A)      Insurance Notification